

REMARKS

In the Official Action mailed on **27 June 2008**, the Examiner reviewed claims 1-33. Examiner rejected claims 1, 7-8, 10, 17-21, 26-29, 30-31, and 33 under 35 U.S.C. § 102(e) based on Armitage (U.S. Patent No. 7,054,957, hereinafter “Armitage”). Examiner rejected claims 2-4 under 35 U.S.C. § 103(a) based on Armitage, and Levine (U.S. Patent No. 6,356,084, hereinafter “Levine”). Examiner rejected claim 5 under 35 U.S.C. § 103(a) based on Armitage, and Arndt et al. (U.S. Patent No. 6,421,448, hereinafter “Arndt”). Examiner rejected claim 6 under 35 U.S.C. § 103(a) based on Armitage, and Papadopoulos et al. (U.S. Patent No. 6,128,384, hereinafter “Papadopoulos”). Examiner rejected claims 9 and 22 under 35 U.S.C. § 103(a) based on Armitage, and Chiu et al. (U.S. Patent No. 6,882,577, hereinafter “Chiu”). Examiner rejected claims 11-12, 23-25, and 32 under 35 U.S.C. § 103(a) based on Armitage and applicants admitted prior art (hereinafter AAPA). Examiner rejected claim 13 under 35 U.S.C. § 103(a) based on Armitage, AAPA, and Levine (U.S. Patent No. 6,356,084, hereinafter “Levine”). Examiner rejected claims 14-16 under 35 U.S.C. § 103(a) based on Fado, AAPA, and Southworth et al. (U.S. Patent No. 3,950,607, hereinafter “Southworth”).

Rejections under 35 U.S.C. § 102(e)

Examiner rejected claims 1, 7-8, 10, 17-21, 26-29, 30-31, and 33 under 35 U.S.C. § 102(e) as being anticipated by Armitage. Applicant respectfully disagrees, because Armitage does not disclose a self-identifying **microphone** that provides an external device with data about the microphone.

Specifically, Armitage discloses a **programming interface device** for a hearing aid, which communicates with a hearing aid programming system (see

Armitage, abstract). Applicant respectfully notes that the programming interface device is not a microphone, and is not a part of the hearing aid (see Armitage, FIG. 8). Furthermore, the Armitage system identifies a cable type for a cable connector of a hearing aid before programming the hearing aid. Applicant also notes that the cable connector is not a part of the hearing aid (see Armitage, col. 14, line 35, and FIG. 11). Therefore, the *hearing aid* of Armitage is not itself capable of **providing** an external device with data about itself, because the programming interface device and the cable connector are not a part of the hearing aid.

In contrast, embodiments of the present invention disclose a self-identifying **microphone that provides an external device with data about itself** (see instant application, page 3, line 11 – page 4, line 3). Unlike the Armitage system, the microphone of embodiments of the present invention does not require an external programming interface device or a cable connector to provide data about the microphone.

Hence, Applicant respectfully submits that independent claims 1, 10, 19, 23, and 26 are in condition for allowance. Applicant also submits that claims 2-9, which depend upon claim 1, claims 11-18, which depend upon claim 10, claims 20-22, which depend upon claim 19, claim 24-25, which depend upon claim 23, and claims 27-33 which depend upon claim 26, are for the same reasons in condition for allowance and for reasons of the unique combinations recited in such claims.

CONCLUSION

It is submitted that the application is presently in form for allowance.
Such action is respectfully requested.

Respectfully submitted,

By /Anthony Jones/
Anthony Jones
Registration No. 59,521

Date: 29 September 2008

Anthony Jones
Park, Vaughan & Fleming LLP
2820 Fifth Street
Davis, CA 95618-7759
Tel: (530) 759-1666
Fax: (530) 759-1665
Email: tony@parklegal.com